

Express Mail No.: EL 452 481 710 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Haberhausen *et al.*

Group Art Unit: To Be Assigned

Serial No.: 09/830,838

Examiner: To Be Assigned

Based on International Application No.:  
PCT/EP99/08211

International Filing Date: 29 October 1999

Attorney Docket No.: 4933

For: NEW PRIMERS AND PROBES FOR THE DETECTION OF HIV

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed by the U.S. Patent and Trademark Office on 31 May 2001, Applicants submit the following documents to complete the filing for the above-identified application:

1. Petition for Extension of Time extending the period for responding by three months to and including **October 31, 2001**;
2. Executed Declaration signed by the inventors in compliance with 37 CFR 1.497(a) and (b);
3. Sequence Listing in paper and computer readable form pursuant to 37 C.F.R. §§ 1.821-1.825; and
4. Return copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Applicants believes that the following fees are due for filing this response.

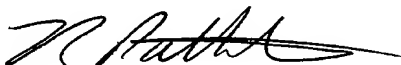
1. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date: \$130.00

Total Fees Due \$130.00

Should the Commissioner determine that additional fees are payable, he is authorized to charge any required fee, or charge any underpayment or credit any overpayment to Deposit Account No. 16-1150 (order no. 1803-296-999) for any matter in connection with this response which may be required. A copy of this sheet is attached.

Respectfully submitted,

Date: October 31, 2001

  
Rahul Pathak 42,983  
(Reg. No.)

For: Jennifer Gordon (Reg. No. 30,753)  
**PENNIE & EDMONDS LLP**  
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New York, New York 10036-2711  
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Enclosures

10/31/2001 HNPVEN 00000132 151150 09030236  
10 120014 130.00 CH



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830838	HABERHAUSEN	K 4933
INTERNATIONAL APPLICATION NO.		
PCT/EP99/08211		
I.A. FILING DATE	PRIORITY DATE	
29 OCT 99	30 OCT 98	
DATE MAILED: 31 MAY 2000		

ROCHE MOLECULAR SYSTEMS INC  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA, CA 94501

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Vonda M. Wallace  
Telephone: 703-305-3736



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830838	HABERHAUSEN	K 4933
INTERNATIONAL APPLICATION NO.		
PCT/EP99/08211		
I.A. FILING DATE	PRIORITY DATE	
29 OCT 99	30 OCT 98	
DATE MAILED: 31 MAY 2001		

ROCHE MOLECULAR SYSTEMS  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA, CA 94501

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- 4  
PATENT / 1

*Oath/Dec Fee Due: 9/30/01*  
*Oath/Dec Fee Due: 11/30/01*

*1102 U.S. PTO*  
*10/040695*  
*12/31/01*

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |  |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/920. **UNEXECUTED**
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

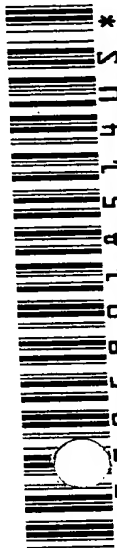
Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

Vonda M. Wallace



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Date In	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Delivery Attempt	Time
4-23-00	Military	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day Year	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd	Delivery Date	Time
10-30	INTL Alpha Country Code	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Time In	Acceptance Initials	Delivery Date	Time
10-30	103	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Weight	Flat Rate Envelope	Delivery Attempt	Time
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No Delivery	Return Receipt Fee	Delivery Date	Time
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	<input type="checkbox"/> Insurance Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
	COD Fee	Delivery Attempt	Time
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Alameda CA 94501

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